

BILL NO. R-97-3⁰³⁻¹⁶

CONFIRMING RESOLUTION NO. R- 19-97

**A CONFIRMING RESOLUTION designating an
"Economic Revitalization Area" under I.C. 6-1.1-12.1
for property commonly known as 3426 Wells Street,
Fort Wayne, Indiana 46808 (Edy's Grand Ice Cream)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Section 153.02 of the Municipal Code of the City of Fort Wayne, Indiana, of 1993, as amended and I.C. 6-1.1-12.1, to wit:

Attached hereto as "Exhibit A" as if a part herein; and

WHEREAS, said project will create 15 full-time, permanent jobs for a total additional annual payroll of \$464,655, with the average new annual job salary being \$30,977 and retain 219 full-time, permanent jobs for a current annual payroll of \$6,738,936, with the average current annual job salary being \$30,977; and

WHEREAS, the total estimated project cost is \$13,976,989; and

WHEREAS, recommendations have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution; and

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has been conducted on said Resolution; and

1 **WHEREAS**, if said Resolution involves an area that has already been designated an
2 allocation area under I.C. 36-7-14-39, The Fort Wayne Redevelopment Commission has
3 adopted a Resolution approving the designation.

4 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF**
5 **THE CITY OF FORT WAYNE, INDIANA:**

6 **SECTION 1.** That, the Resolution previously designating the above described property
7 as an "Economic Revitalization Area" is confirmed in all respects.

8 **SECTION 2.** That, the hereinabove described property is hereby declared an
9 "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the
10 effective date of this Resolution and shall terminate on December 31, 2005.

11 **SECTION 3.** That, said designation of the hereinabove described property as an
12 "Economic Revitalization Area" shall apply to a deduction of the assessed value of real estate
13 and personal property for new manufacturing equipment.

14 **SECTION 4.** That, the estimate of the number of individuals that will be employed or
15 whose employment will be retained and the estimate of the annual salaries of those individuals
16 and the estimate of redevelopment or rehabilitation and estimate of the value of the new
17 manufacturing equipment, all contained in Petitioner's Statement of Benefits are reasonable and
18 are benefits that can be reasonably expected to result from the proposed described installation
19 of the new manufacturing equipment.

20 **SECTION 5.** The current year approximate tax rates for taxing units within the City
21 would be:

22 (a) If the proposed development does not occur, the approximate current year tax rates
23 for this site would be \$9.0773/\$100.
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1 (b) If the proposed development does occur and no deduction is granted, the
2 approximate current year tax rate for the site would be \$9.0773/\$100 (the change
3 would be negligible).

4 (c) If the proposed development occurs, and a deduction percentage of fifty percent
5 (50%) is assumed, the approximate current year tax rate for the site would be
6 \$9.0773/\$100 (the change would be negligible).

7 (d) If the proposed new manufacturing equipment is not installed, the approximate
8 current year tax rates for this site would be \$9.0773/\$100.

9 (e) If the proposed new manufacturing equipment is installed and no deduction is
10 granted, the approximate current year tax rate for the site would be \$9.0773/\$100
11 (the change would be negligible).

12 (f) If the proposed new manufacturing equipment is installed and a deduction
13 percentage of eighty percent (80%) is assumed, the approximate current year tax
14 rate for the site would be \$9.0773/\$100 (the change would be negligible).

15
16
17 **SECTION 6.** Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction
18 from the assessed value of the real property shall be for a period of ten years, and that the
19 deduction from the assessed value of the new manufacturing equipment shall be for a period of
20 five years.

21
22 **SECTION 7.** The benefits described in the Petitioner's Statement of Benefits can be
23 reasonably expected to result from the project and are sufficient to justify the applicable
24 deductions.

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26 **SECTION 8.** For new manufacturing equipment, a deduction application must contain
27 a performance report showing the extent to which there has been compliance with the
28
29

Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing.

This report must be submitted to the Allen County Auditor's Office, and the City of Fort Wayne's Department of Economic Development and must be included with the deduction application. For subsequent years, the performance report must be updated and submitted along with the deduction application at the time of filing.

SECTION 9. For real property, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office and the City of Fort Wayne's Department of Economic Development and must be included in the deduction application. For subsequent years, the performance report must be updated within sixty days after the end of each year in which the deduction is applicable.

SECTION 10. The performance report must contain the following information:

- A. The cost and description of real property improvements and/or new manufacturing equipment acquired.
- B. The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- C. The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- D. The total number of employees employed at the facility receiving the deduction.
- E. The total assessed value of the real and/or personal property deductions.
- F. The tax savings resulting from the real and/or personal property being abated.

SECTION 11. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM A LEGALITY

J. Timothy McCaulay, City Attorney

Read the first time in full and on motion by Crawford,
and duly adopted, read the second time by title and referred to the Committee on Finance, (and the City Plan Commission for recommendation)
and Public Hearing to be held after due legal notice, at the Common Council Conference
Room 128, City County Building, Fort Wayne, Indiana, on Tuesday
the 8th day of April, 19 97, at 5:30
o'clock P. M., E.S.T.

DATED: 3-25-97

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Crawford,
and duly adopted, placed on its passage. PASSED
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS	<u>✓</u>			
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 4-8-97

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL)
(ZONING) ORDINANCE RESOLUTION NO. Q-19-97
on the 8th day of April, 19 97

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

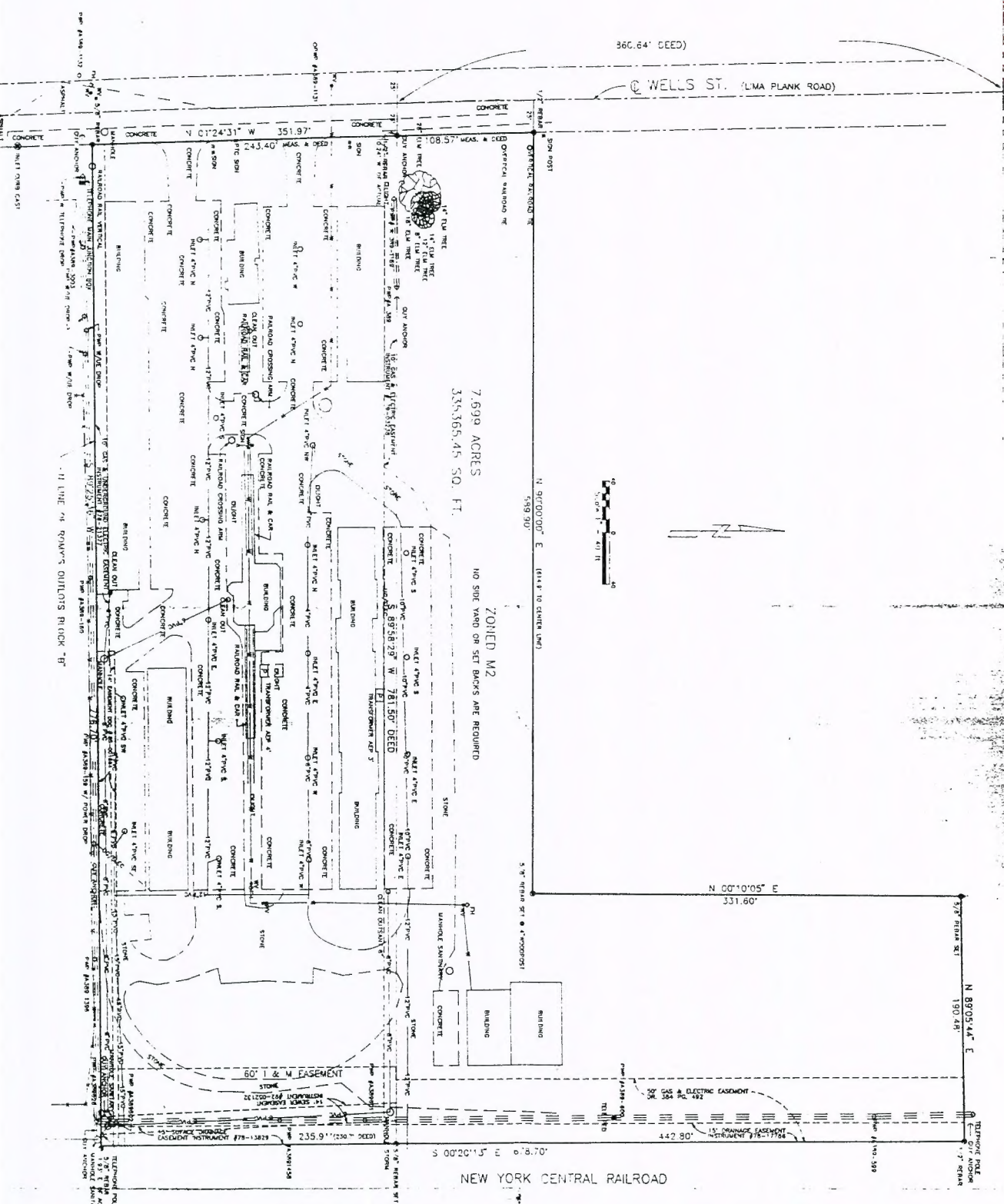
SEAL
Thomas P. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the
9th day of April, 19 97
at the hour of 11:00 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day
of April, 19 97, at the hour of 7:30
o'clock A. M., E.S.T.

P. Helmke
PAUL HELMKE, MAYOR



7.699 ACRES
334,365.45 SQ. FT.
ZONED M2
NO SIDE YARD OR SET BACKS ARE REQUIRED



Part of the Northeast Quarter of Section 28, Township 37 North, Range 12 East of the Fourth Principal Meridian in Adams County, Indiana, known as the Wells Street Crossing, is shown on the attached plan. The plan shows the location of the crossing, the location of the buildings, and the location of the railroad tracks. The plan also shows the location of the easements and the location of the easement lines. The plan is a true and correct copy of the original plan as filed in the office of the Recorder of Adams County, Indiana, on the 15th day of May, 1988.

THE UNDERSIGNED, RICHARD L. KARST, a duly qualified and licensed Surveyor in the State of Indiana, do hereby certify that the foregoing is a true and correct copy of the original plan as filed in the office of the Recorder of Adams County, Indiana, on the 15th day of May, 1988.

Witness my hand and the seal of my office this 15th day of May, 1988.

RICHARD L. KARST
Surveyor

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE _____ Confirming Resolution _____

DEPARTMENT REQUESTING ORDINANCE _____ Department of Economic Development _____

SYNOPSIS OF ORDINANCE _____ This is to confirm approval of an Economic Revitalization Area for Edy's Grand Ice Cream in the amount of \$13,976,989 for both real and personal property improvements. In order to expand, Edy's will add 90,000 square feet to their existing, as well as a 12,000 square foot office facility. _____

EFFECT OF PASSAGE _____ Creation of 15 full-time jobs with benefits. _____

EFFECT OF NON-PASSAGE _____ Loss of 15 full-time jobs with benefits. _____

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____ No expenditure of public money will be involved. _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____ Thomas Henry _____

BILL NO. R-97-03-16

REPORT OF THE COMMITTEE ON FINANCE

JOHN N. CRAWFORD - DONALD J. SCHMIDT - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON FINANCE TO WHOM
WAS REFERRED AN (~~ORDINANCE~~) (RESOLUTION) confirming resolution
designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for
property commonly known as 3426 Wells Street, Fort Wayne, Indiana (Edy's
Grand Ice Cream)

HAVE HAD SAID (~~ORDINANCE~~) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(~~ORDINANCE~~) (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

John N. Crawford
Donald J. Schmidt
Robert A. Smith
Robert A. Smith
Robert A. Smith
Robert A. Smith
Robert A. Smith
Robert A. Smith

DATED: 4-8-97.

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

March 26, 1997

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of March 29, 1997, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Public Hearing
Bill No. R-97-03-13 & R-97-03-14
Bill No. R-97-03-15 & R-97-03-16
Revitalization Areas

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 2

NOTICE OF PUBLIC HEARING
FORT WAYNE
COMMON COUNCIL

(RESOLUTIONS NO. R-97-03-15 AND R-97-03-16)

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA, APPROVED A RESOLUTION ON 3-25-97,
DATE
DESIGNATING PROPERTY AT 3426 Wells Street, Fort Wayne, Indiana
(EDY'S GRAND ICE CREAM)

AN ECONOMIC REVITALIZATION AREA. A DESCRIPTION OF THE AFFECTED
AREA CAN BE INSPECTED IN THE COUNTY ASSESSOR'S OFFICE.

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER
THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND
CONFIRMED OR RESCINDED ON Tuesday, April 8, 1997, at 5:30 o'clock

DATE, TIME & PLACE
P.M., City-County Building, Common Council Conference Room 128, 1st Floor,
Fort Wayne, Indiana

IF CONFIRMED, SAID DESIGNATING SHALL CONTINUE FOR ONE (1)
YEAR AFTER CONFIRMATION.

ALL INTEREST PERSONS ARE INVITED TO ATTEND AND BE HEARD
AT THE PUBLIC HEARING.

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN
DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH STATE AND
FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION"
SHOULD NOTIFY PUBLIC INFORMATION OFFICE (219)427-1120, TTY
(219)427-1200, AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE
MEETING.

SANDRA E. KENNEDY
CITY CLERK

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

43 lines, 1 columns wide equals 43 equivalent lines
at .364 cents per line

\$ 15.65

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 16.65

DATA FOR COMPUTING COST

Width of single column 12.5 ems
Number of insertions 1
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: MARCH 29, 19 97

Title: Julie L Smith Clerk

PUBLISHER'S AFFIDAVIT

NOTICE OF PUBLIC HEARING
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(RESOLUTIONS NO. R-97-03-15 AND R-97-03-16)
NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, APPROVED A RESOLUTION ON 3-25-97, DESIGNATING PROPERTY AT 3426 Wells Street, Fort Wayne, Indiana (EDY'S GRAND ICE CREAM) AN ECONOMIC REVITALIZATION AREA. A DESCRIPTION OF THE AFFECTED AREA CAN BE INSPECTED IN THE COUNTY ASSESSOR'S OFFICE.
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SANDRA E. KENNEDY
CITY CLERK
389303

state of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/ she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

3-29-97

Subscribed and sworn to before me this 29th day of MARCH, 19 97.

Mary L Schneider
Notary Public

My commission expires: NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14, 1997

FW COMMON COUNCIL

(Governmental Unit)

To:

The News-Sentinel

Dr.

ALLEN

County, Indiana

P.O. Box 100

Fort Wayne, IN

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SANDRA E. KENNEDY
CITY CLERK
389303

3--29

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH

who, being duly sworn, says that he/ she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time 3-29-97, the dates of publication being as follows:

Subscribed and sworn to before me this 29th day of MARCH, 19 97.

Notary Public

MARY L SCHNEIDER

My commission expires: NOTARY PUBLIC STATE OF INDIANA

ALLEN COUNTY

MY COMMISSION EXP JUNE 14, 1997